



**MARYLAND
LEGAL AID**

Advancing
**Human Rights and
Justice for All**

January 30, 2023

Senator William C. Smith Jr.
2 East
Miller Senate Office Building
Annapolis, Maryland 21401

RE: Maryland Legal Aid's Written Testimony in Support of SB 28 – Legal Decision Making and Parenting Time

Dear Chairperson Smith and Committee Members:

Thank you for the opportunity to present testimony in support of SB28, a bill that seeks to codify what factors courts consider when determining “legal decision making” and “parenting time” in calculating the best interests of children in family law matters. Maryland Legal Aid (MLA) is Maryland’s largest non-profit law firm, with 12 offices serving each of Maryland’s 24 jurisdictions, providing free civil legal services to the state’s low-income and vulnerable residents. Our advocates represent individuals and families who are fighting each day to make ends meet, yet struggle with basic needs, consumer debts, and housing stability. MLA submits this written testimony at the request of Senator West. We ask this committee to grant SB 28 a favorable report and urge its ultimate passage.

MLA is involved in family law cases that are high conflict, contested matters where there is an imbalance of power. Even where MLA is unable to provide full representation, our organization provides legal advice for parties who intend to proceed without an attorney. This letter serves as notice that Brett Smoot, Esq., will testify on behalf of Maryland Legal Aid at the request of Senator West.

SB 28 will clarify the best interest standard for litigants, attorneys, and the court. This codification of existing case law makes the law more accessible for MLA’s clients. For low-income litigants who cannot afford an attorney, case law on custody is inaccessible and difficult to understand. Codifying the factors which have already been established by the current case law will empower low-income Marylanders to have the same access to these factors, better enabling both represented and unrepresented litigants to navigate the legal process.

Further, codifying the factors will provide uniformity in how custody decisions are made. Currently, the best-interest factors are established across several court cases. Judges across the state do not refer to the exact same set of factors or cite the same cases when making best interest determinations. Thus, SB 28 will provide consistency and clarity for the court in custody decisions.

SB 28 also utilizes updated terminology that further clarifies the law: “legal decision making” instead of legal custody, and “parenting time” instead of physical custody, access, or visitation. This terminology has already been adopted in the court’s implementation of parenting plans. SB 28 will standardize this language in terms that lawyers and non-lawyers alike can more easily understand.

This bill is a welcome development that will further ensure the public’s access to justice by codifying child custody factors and standardizing legal language. Thank you for considering this written testimony. **For the reasons stated above, MLA urges a favorable report on SB 28.**

Sincerely

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